ASSEMBLY BILL   No. 2767

Introduced by Committee on Judiciary

February 26, 2010

An act to amend Section 703.150 of the Code of Civil Procedure, relating to homestead exemptions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2767, as introduced, Committee on Judiciary. Homestead exemptions: Judicial Council.

Existing law provides that a specified portion of equity in a homestead, as defined, is exempt from execution to satisfy a judgment debt. Existing law provides a base exemption of $75,000, an exemption of $100,000 if the judgment debtor or his or her spouse who resides in the homestead is, at the time of the sale, a member of a family unit, and one member of the family unit is without an interest, or with only a limited interest, as specified, in the homestead, and an exemption of $175,000 if the judgment debtor or the spouse of the judgment debtor who resides in the homestead is, at the time of the sale, 65 years of age or older, disabled, or 55 years of age or older with a limited income, as specified.

Existing law requires the Judicial Council, on or before April 1, 2010, and at each 3-year interval ending on April 1 thereafter, to submit to the Legislature the amount by which the dollar amounts of the homestead exemptions described above may be increased based on the change in the annual California Consumer Price Index for All Urban Consumers, and to publish a list of the current dollar amounts of those exemptions, as specified.

This bill, instead, would require the Judicial Council to submit to the Legislature the increased dollar amounts for the homestead exemption commencing April 1, 2013.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 703.150 of the Code of Civil Procedure
2 is amended to read:
3 703.150. (a) On April 1, 2004, and at each three-year interval
4 ending on April 1 thereafter, the dollar amounts of exemptions
5 provided in subdivision (b) of Section 703.140 in effect
6 immediately before that date shall be adjusted as provided in
7 subdivision (d).
8 (b) On April 1, 2007, and at each three-year interval ending on
9 April 1 thereafter, the dollar amounts of exemptions provided in
10 Article 3 (commencing with Section 704.010) in effect immediately
11 before that date shall be adjusted as provided in subdivision (d).
12 (c) On April 1, ~~2010~~ *2013*, and at each three-year interval ending
13 on April 1 thereafter, the Judicial Council shall submit to the
14 Legislature the amount by which the dollar amounts of exemptions
15 provided in subdivision (a) of Section 704.730 in effect
16 immediately before that date may be increased as provided in
17 subdivision (d). Those increases shall not take effect unless they
18 are approved by the Legislature.
19 (d) The Judicial Council shall determine the amount of the
20 adjustment based on the change in the annual California Consumer
21 Price Index for All Urban Consumers, published by the Department
22 of Industrial Relations, Division of Labor Statistics, for the most
23 recent three-year period ending on December 31 preceding the
24 adjustment, with each adjusted amount rounded to the nearest
25 twenty-five dollars ($25).
26 (e) Beginning April 1, 2004, the Judicial Council shall publish
27 a list of the current dollar amounts of exemptions provided in
28 subdivision (b) of Section 703.140 and in Article 3 (commencing
29 with Section 704.010), together with the date of the next scheduled
30 adjustment. In any year that the Legislature votes to increase the
31 exemptions provided in subdivision (a) of Section 704.730, the

1 Judicial Council shall publish a list of current dollar amounts of
2 exemptions.
3   (f) Adjustments made under subdivision (a) do not apply with
4 respect to cases commenced before the date of the adjustment,
5 subject to any contrary rule applicable under the federal Bankruptcy
6 Code. The applicability of adjustments made under subdivisions
7 (b) and (c) is governed by Section 703.050.

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